

MEMORANDUM OF UNDERSTANDING

Subject: Procedures for Determining Eligibility for Access to Classified Information or Material on the Part of Employees of the Senate and House Select Committees on Intelligence Activities

The Federal Bureau of Investigation (FBI) will conduct background investigations at the request of the appropriate Committee Chairman of applicants and employees of the respective staffs of above-mentioned committees, so that a determination can be made as to their suitability for employment and as to their trustworthiness for access to classified information.

The FBI will furnish a summary memorandum containing the results of its investigation to the appropriate Committee Chairman.

In the case of an applicant or employee, the Committee Chairman will make a determination as to the person's suitability for employment.

No person shall be given access to any classified information or material unless such person has been determined by the respective Chairman to be trustworthy and unless access to such information or material is necessary in the performance of the person's duties.

Where there is a question of trustworthiness for access to classified information, the Committee Chairman will have the summary memorandum furnished to the Director of Central Intelligence (DCI) by the FBI.

The DCI will furnish his observations as to eligibility for access to classified information to the appropriate Committee Chairman for his consideration. The Committee Chairman will render the final determination after consultation, where it is deemed necessary by the Committee, with the interested agencies.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Memorandum of Understanding

FROM:

Deputy Director of Security
for Policy and Management

EXTENSION

NO.

DATE

9 May 1975

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Coordination Staff, IC
Staff, Room 7 E 31

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We have reviewed the attached Memorandum of Understanding. We have taken particular note of the last two paragraphs and question whether or not the Director would want to be placed in the position of passing security judgment on employees of the Senate and House Select Committees on Intelligence Activities.

We recognize that there has been, I believe, one isolated case and there may be other special cases where we may be invited to express an opinion, but to formulate a policy whereby we would procedurally furnish the DCI's observations on staff members of the committees where there is a question of trustworthiness regarding their access to classified information would not be wise. In effect we believe the committees have established their own procedure for appraising the data made available by the Federal Bureau of Investigation and we should not as a matter of policy become involved in that process.

cc: DD/PSI

STAT

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Next 2 Page(s) In Document Exempt

Approved For Release 2002/08/15 : CIA-RDP83-01042R000700010004-1

11 March 1975


MEMORANDUM FOR: See Distribution

SUBJECT : Retention of Materials that May Be
Related to the S. Res. 21 Investigation

1. On 30 January all components down to the Division level were provided instructions not to destroy or otherwise dispose of any records or documents that may have a bearing on the investigation being conducted by the Senate Select Committee.

2. In the event that there may be some misunderstanding, these instructions are being forwarded to you again with the added admonition that these instructions apply not just to original documentation but to copies and duplicates as well.

3. These instructions are to be brought to the attention of all personnel in your component. STAT


Deputy Director of Security (P&M)

Attachment

cc: D/Security
DD/Security

Distribution:

DD/PSI C/ISSG
C/Ops/PSI C/SRD
C/SSD OS Registry
C/CD
C/SAG
DD/PTOS
C/Ops/PTOS
C/TSD
C/PhySD
C/PPG
C/A&TD
C/SSC

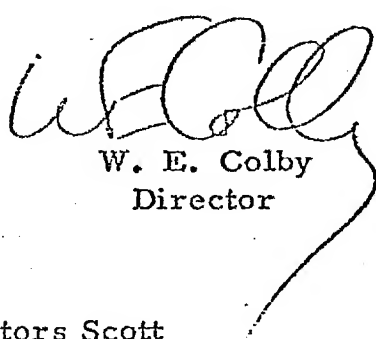
75-402/1

28 January 1975

MEMORANDUM FOR: See Distribution

SUBJECT : Retention of Materials that May Be Related
to the S. Res. 21 Investigation

Pursuant to the attached request, it is directed that you take the necessary steps to ensure compliance. You will convey instructions to all subordinate components or offices within your jurisdiction to ensure that any records or documents that may have a bearing on Senate Resolution 21 not be destroyed or removed from our possession or control.


W. E. Colby
Director

Attachments:

Letter dated 27 January 1975 from Senators Scott
and Mansfield with enclosure (S. Res. 21)

Distribution:

DDCI
DDI
DDO
DDA
DDS&T
D/DCI/NIO
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Comptroller
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AO/DCI

United States Senate
Office of the Majority Leader
Washington, D.C. 20510
January 27, 1975

Honorable William E. Colby
Director, Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Director:

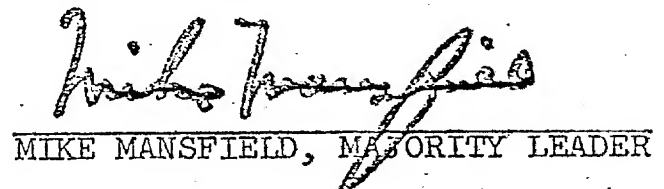
As you may be aware, the Senate is to conduct an investigation and study of government operations with respect to intelligence activities. The scope of the investigation is set out in S. Res. 21, a copy of which has been enclosed for your information.

We are writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records or documents pertaining in any way to the matters set out in section 2 of S. Res. 21.

Sincerely yours,



HUGH SCOTT, REPUBLICAN LEADER



MIKE MANSFIELD, MAJORITY LEADER

Enclosure

Calendar No. 2

94TH CONGRESS
1ST SESSION

S. RES. 21

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1975

Mr. PASTORE submitted the following resolution; which was ordered to be placed
on the calendar (under general orders)

RESOLUTION

To establish a select committee of the Senate to conduct an investigation and study with respect to intelligence activities carried out by or on behalf of the Federal Government.

1 *Resolved*, To establish a select committee of the Senate
2 to conduct an investigation and study of governmental oper-
3 ations with respect to intelligence activities and of the
4 extent, if any, to which illegal, improper, or unethical ac-
5 tivities were engaged in by any agency of the Federal
6 Government or by any persons, acting individually or in
7 combination with others, with respect to any intelligence
8 activity carried out by or on behalf of the Federal Govern-
9 ment; be it further

10 *Resolved*, That (a) there is hereby established a select

1 committee of the Senate which may be called, for con-
2 venience of expression, the Select Committee To Study
3 Governmental Operations With Respect to Intelligence Ac-
4 tivities to conduct an investigation and study of the extent, if
5 any, to which illegal, improper, or unethical activities were
6 engaged in by any agency or by any persons, acting either
7 individually or in combination with others, in carrying out
8 any intelligence or surveillance activities by or on behalf
9 of any agency of the Federal Government.

10 (b) The select committee created by this resolution
11 shall consist of eleven members of the Senate, six to be
12 appointed by the President of the Senate from the majority
13 members of the Senate upon the recommendation of the
14 majority leader of the Senate, and five minority members of
15 the Senate to be appointed by the President of the Senate
16 upon the recommendation of the minority leader of the
17 Senate. For the purposes of paragraph 6 of rule XXV of the
18 Standing Rules of the Senate, service of a Senator as a
19 member, chairman, or vice chairman of the select committee
20 shall not be taken into account.

21 (c) The majority members of the committee shall select
22 a chairman and the minority members shall select a vice
23 chairman and the committee shall adopt rules and procedures
24 to govern its proceedings. The vice chairman shall preside
25 over meetings of the select committee during the absence

1 of the chairman, and discharge such other responsibilities
2 as may be assigned to him by the select committee or the
3 chairman. Vacancies in the membership of the select com-
4 mittee shall not affect the authority of the remaining mem-
5 bers to execute the functions of the select committee and
6 shall be filled in the same manner as original appointments
7 to it are made.

8 (d) A majority of the members of the select committee
9 shall constitute a quorum for the transaction of business, but
10 the select committee may affix a lesser number as a quorum
11 for the purpose of taking testimony or depositions.

12 SEC. 2. The select committee is authorized and directed
13 to do everything necessary or appropriate to make the in-
14 vestigations and study specified in subsection (a) of the
15 first section. Without abridging in any way the authority
16 conferred upon the select committee by the preceding
17 sentence, the Senate further expressly authorizes and directs
18 the select committee to make a complete investigation and
19 study of the activities of any agency or of any and all persons
20 or groups of persons or organizations of any kind which
21 have any tendency to reveal the full facts with respect to
22 the following matters or questions:

23 (1) Whether the Central Intelligence Agency has
24 conducted an illegal domestic intelligence operation in
25 the United States.

1 (2) The conduct of domestic intelligence or coun-
2 terintelligence operations against United States citizens
3 by the Federal Bureau of Investigation or any other
4 Federal agency.

5 (3) The origin and disposition of the so-called Hus-
6 ton Plan to apply United States intelligence agency
7 capabilities against individuals or organizations within
8 the United States.

9 (4) The extent to which the Federal Bureau of In-
10 vestigation, the Central Intelligence Agency, and other
11 Federal law enforcement or intelligence agencies coordi-
12 nate their respective activities, any agreements which
13 govern that coordination, and the extent to which a lack
14 of coordination has contributed to activities or actions
15 which are illegal, improper, inefficient, unethical, or con-
16 trary to the intent of Congress.

17 (5) The extent to which the operation of domestic
18 intelligence or counterintelligence activities and the
19 operation of any other activities within the United States
20 by the Central Intelligence Agency conforms to the leg-
21 islative charter of that Agency and the intent of the
22 Congress.

23 (6) The past and present interpretation by the
24 Director of Central Intelligence of the responsibility to

1 the provision in section 102(d)(3) of the National
2 Security Act of 1947 (50 U.S.C. 403(d)(3)) that
3 "... that the agency shall have no police, subpena, law
4 enforcement powers, or internal security functions. . . ."

5 (7) Nature and extent of executive branch over-
6 sight of all United States intelligence activities.

7 (8) The need for specific legislative authority to
8 govern the operations of any intelligence agencies of
9 the Federal Government now existing without that
10 explicit statutory authority, including but not limited to
11 agencies such as the Defense Intelligence Agency and
12 the National Security Agency.

13 The nature and extent to which Federal agencies
14 cooperate and exchange intelligence information and
15 the adequacy of any regulations or statutes which
16 govern such cooperation and exchange of intelligence
17 information.

18 (9) The extent to which United States intelligence
19 agencies are governed by Executive orders, rules, or
20 regulations either published or secret and the extent
21 to which those Executive orders, rules, or regulations
22 interpret, expand, or are in conflict with specific legis-
23 lative authority.

24 (10) The violation or suspected violation of any

1 State or Federal statute by any intelligence agency or
2 by any person by or on behalf of any intelligence agency
3 of the Federal Government including but not limited
4 to surreptitious entries, surveillance, wiretaps, or eaves-
5 dropping, illegal opening of the United States mail, or
6 the monitoring of the United States mail.

7 (11) The need for improved, strengthened, or con-
8 solidated oversight of United States intelligence ac-
9 tivities by the Congress.

10 (12) Whether any of the existing laws of the
11 United States are inadequate, either in their provisions
12 or manner of enforcement, to safeguard the rights of
13 American citizens, to improve executive and legislative
14 control of intelligence and related activities, and to re-
15 solve uncertainties as to the authority of United States
16 intelligence and related agencies.

17 (13) Whether there is unnecessary duplication of
18 expenditure and effort in the collection and processing
19 of intelligence information by United States agencies.

20 (14) The extent and necessity of overt and covert
21 intelligence activities in the United States and abroad.

22 (15) Such other related matters as the committee
23 deems necessary in order to carry out its responsibilities
24 under section (a):

1 the investigation and study authorized and directed by this
2 resolution, the Senate hereby empowers the select committee
3 as an agency of the Senate (1) to employ and fix the com-
4 pensation of such clerical, investigatory, legal, technical,
5 and other assistants as it deems necessary or appropriate,
6 but it may not exceed the normal Senate salary schedules;
7 (2) to sit and act at any time or place during sessions,
8 recesses, and adjournment periods of the Senate; (3) to hold
9 hearings for taking testimony on oath or to receive docu-
10 mentary or physical evidence relating to the matters and
11 questions it is authorized to investigate or study; (4) to
12 require by subpoena or otherwise the attendance as witnesses
13 of any persons who the select committee believes have
14 knowledge or information concerning any of the matters
15 or questions it is authorized to investigate and study; (5)
16 to require by subpoena or order any department, agency,
17 officer, or employee of the executive branch of the United
18 States Government, or any private person, firm, or corpora-
19 tion, to produce for its consideration or for use as evidence
20 in its investigation and study any books, checks, canceled
21 checks, correspondence, communications, document, papers,
22 physical evidence, records, recordings, tapes, or materials re-
23 lating to any of the matters or questions it is authorized to
24 investigate and study which they or any of them may have
25 in their custody or under their control (6)

1 Senate any recommendations it deems appropriate in respect
2 to the willful failure or refusal of any person to answer ques-
3 tions or give testimony in his character as a witness during
4 his appearance before it or in respect to the willful failure
5 or refusal of any officer or employee of the executive branch
6 of the United States Government or any person, firm, or
7 corporation to produce before the committee any books,
8 checks, canceled checks, correspondence, communications,
9 document, financial records, papers, physical evidence,
10 records, recordings, tapes, or materials in obedience to any
11 subpoena or order; (7) to take depositions and other testi-
12 mony on oath anywhere within the United States or in any
13 other country; (8) to procure the temporary or intermit-
14 tent services of individual consultants, or organizations there-
15 of, in the same manner and under the same conditions as
16 a standing committee of the Senate may procure such serv-
17 ices under section 202 (i) of the Legislative Reorganiza-
18 tion Act of 1946; (9) to use on a reimbursable basis, with
19 the prior consent of the Committee on Rules and Adminis-
20 tration, the services of personnel of any such department
21 or agency; (10) to use on a reimbursable basis or other-
22 wise with the prior consent of the chairman of any sub-
23 committee of any committee of the Senate the facilities or
24 services of any members of the staffs of such other Senate
25 committees or any subcommittees of such other Senate com-

1 matters whenever a select committee or its chairman is
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2 that such action is necessary or appropriate to enable the
3 select committee to make the investigation and study author-
4 ized and directed by this resolution; (11) to have direct
5 access through the agency of any members of the select
6 committee or any of its investigatory or legal assistants
7 designated by it or its chairman or the ranking minority
8 member to any data, evidence, information, report, analysis,
9 or document or papers, relating to any of the matters or
10 questions which it is authorized and directed to investigate
11 and study in the custody or under the control of any depart-
12 ment, agency, officer, or employee of the executive branch
13 of the United States Government, including any department,
14 agency, officer, or employee of the United States Govern-
15 ment having the power under the laws of the United States
16 to investigate any alleged criminal activities or to prosecute
17 persons charged with crimes against the United States and
18 any department, agency, officer, or employee of the United
19 States Government having the authority to conduct intelli-
20 gence or surveillance within or outside the United States,
21 without regard to the jurisdiction or authority of any other
22 Senate committee, which will aid the select committee to
23 prepare for or conduct the investigation and study authorized
24 and directed by this resolution; and (12) to expend to the
25 extent it determines necessary or appropriate any moneys

1 made available to the Senate to perform the duties.
2 and exercise the powers conferred upon it by this resolution
3 and to make the investigation and study it is authorized by
4 this resolution to make.

5 (b) Subpenas may be issued by the select committee
6 acting through the chairman or any other member designated
7 by him, and may be served by any person designated by
8 such chairman or other member anywhere within the borders
9 of the United States. The chairman of the select committee,
10 or any other member thereof, is hereby authorized to admin-
11 ister oaths to any witnesses appearing before the committee.

12 (c) In preparing for or conducting the investigation
13 and study authorized and directed by this resolution, the
14 select committee shall be empowered to exercise the powers
15 conferred upon committees of the Senate by section 6002 of
16 title 18, United States Code, or any other Act of Congress
17 regulating the granting of immunity to witnesses.

18 SEC. 4. The select committee shall have authority to
19 recommend the enactment of any new legislation or the
20 amendment of any existing statute which it considers neces-
21 sary or desirable to strengthen or clarify the national secu-
22 rity, intelligence, or surveillance activities of the United
23 States and to protect the rights of United States citizens
24 with regard to those activities.

25 SEC. 5. The select committee shall make a final report

1 of the results of the investigation and study conducted by
2 it pursuant to this resolution, together with its findings and
3 its recommendations as to new congressional legislation it
4 deems necessary or desirable, to the Senate at the earliest
5 practicable date, but no later than September 1, 1975. The
6 select committee may also submit to the Senate such interim
7 reports as it considers appropriate. After submission of its
8 final report, the select committee shall have three calendar
9 months to close its affairs, and on the expiration of such
10 three calendar months shall cease to exist.

11 SEC. 6. The expenses of the select committee through
12 September 1, 1975, under this resolution shall not exceed
13 \$750,000 of which amount not to exceed \$100,000 shall be
14 available for the procurement of the services of individual
15 consultants or organizations thereof. Such expenses shall be
16 paid from the contingent fund of the Senate upon vouchers
17 approved by the chairman of the select committee.